

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 2119

IN THE MATTER OF:

Served June 12, 1980

Investigation of WHITE HOUSE  
SIGHTSEEING CORPORATION, et al.,  
to Determine Compliance with  
WMATC Safety Regulations and to  
Evaluate Common Control and  
Corporate Status  
Application of VINARD L. PARIS  
for Approval to Acquire Control  
of a Carrier Operating in the  
Metropolitan District

Case No. MP-79-07

Case No. AP-79-04

By Order No. 1971, served March 14, 1979, the Commission instituted an investigation of White House Sightseeing Corporation pursuant to Title II, Article XII, Sections 4(g) and 13(b) of the Compact pertaining to the carrier's compliance with Commission safety regulations and to possible violation of the provisions of Title II, Article XII, Section 12 of the Compact concerning common control between or among White House, Baltimore-Solomons Bus Lines, Inc., Vinard L. Paris, John W. Paris, Robert Paris and Ollie Paris. The carrier was directed to file certain materials and make its equipment available for inspection, and the matter was set for public hearing. Subsequently, White House filed an answer to the order instituting the investigation and the public hearing was cancelled. The proceeding was thereby held in abeyance pending further investigation.

By application in Case No. AP-79-04, filed March 30, 1979, Vinard L. Paris, president of White House, seeks Commission approval to acquire control of a carrier, Baltimore-Solomons Bus Lines, Inc., which holds Certificate of Public Convenience and Necessity No. MC-125706 from the Interstate Commerce Commission (ICC). A request for temporary approval of the acquisition was filed simultaneously with the application. After correspondence between the WMATC and ICC whereby the ICC determined that its approval of the acquisition was also

required, applicant was informed of this determination. The possibility of handling applications jointly before the ICC and the WMATC was raised with the applicant and applicant was advised that action on the matter would be held in abeyance pending his reply. No reply has been received. A public hearing on the application and the request for temporary authority will be scheduled as discussed below.

Since initiation of the investigation, two related matters have come to the attention of the Commission. The first involves inclusion of an item entitled "Expenses Reimbursement" totaling \$273,971.54 in the "Other Income" account in the carrier's operating statement for the 12 months ended December 31, 1979, appearing in its most recent annual report filed with the Commission.

The second matter is the White House advertising brochure, available to the public, which contains rates said to be effective November 30, 1979. Prices listed in the brochure are at variance with the carrier's currently effective WMATC Tariff No. 2 applicable to transportation services rendered pursuant to the authority set forth in the carrier's Certificate of Public Convenience and Necessity No. 1. The Compact, Title II, Article XII, Section 5(d) and Commission Regulation No. 55-08 prohibit a carrier from charging any fare other than the applicable fare specified in a tariff filed by it with the Commission and in effect at the time. Commission Regulation No. 55-08 provides as follows:

No carrier shall charge or demand or collect or receive a greater or less or different compensation for transportation, or for any service in connection therewith, than the rates, fares, and charges specified in its currently effective tariffs; and no carrier shall in any manner or by any device, directly or indirectly, or through any agent, or otherwise, refund or remit any portion of the rates, fares, or charges so specified, or extend to any person any privileges or facilities with respect to matters required by the Commission to be specified in such tariffs, except those specified therein.

The following table compares the fares set forth in Tariff No. 2 with those contained in the brochure.

<u>Tour Number</u>	<u>Tariff No. 2</u>	<u>Brochure</u>
1	\$ 9	\$11
2	\$ 9	\$11
3	\$10 or \$12.50*	\$16.50
4	\$15	\$18
5	\$18 or \$20.50*	\$24.50
6	\$16	\$18
7	\$23	\$29.50
8	\$10.50	\$12
9	\$32 or \$34.50*	\$39.50

\* The dual tariff rate includes fares without and with an added boat cruise from Mount Vernon, Va. The brochure charge is at one set price with the notation that the boat cruise will be included, when available, at no extra charge.

Inasmuch as no carrier is permitted to charge any fare other than the applicable tariff rate, the Commission will direct White House to charge only those fares set forth in WMATC Tariff No. 2.

The Commission will schedule a public hearing for the purpose of determining whether White House has charged members of the general public fares other than those set forth in its existing tariff, will inquire into the nature of the expense reimbursement account in the annual report for 1979, and will review compliance with safety regulations and other matters raised at the initiation of the investigation. Additionally, the application for approval of common control and the request for temporary approval will be scheduled at the same time. The sum assessed for the original investigation will be applied to the costs of these proceedings in accordance with the provisions of the Compact, Title II, Article XII, Section 19.

THEREFORE, IT IS ORDERED:

1. That Case Nos. MP-79-07 and AP-79-04 concerning White House Sightseeing Corporation are hereby scheduled for public hearing to commence Wednesday, July 9, 1980, at 9:00 a.m., in the Hearing Room of the Commission, Room 314, 1625 I Street, N. W., Washington, D. C. 20006.

2. That Vinard L. Paris is directed to publish once in a newspaper of general circulation in the Metropolitan District, notice of the application and hearing for common control and for temporary approval of common control in Case No. AP-79-04 and of the matters to be heard in Case No. MP-79-07, in the form prescribed by the staff of the Commission, no later than Tuesday, June 17, 1980.

3. That Vinard L. Paris is directed to post in each of its vehicles, continuously through the date of the hearing, notice of said application and hearing, in the form prescribed by the staff of the Commission, no later than June 17, 1980.

4. That applicant produce at the public hearing affidavits attesting such publication and posting.

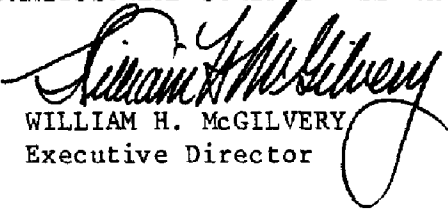
5. That any person desiring to protest the application in Case No. AP-79-04 shall file a protest in accordance with Commission Rule No. 14, or any person desiring to be heard on this matter or on the matters at issue in Case No. MP-79-07 shall so notify the Commission in writing, no later than Wednesday, July 2, 1980, and shall mail a copy of such protest or notice to Vinard L. Paris, White House Sightseeing Corporation, 519 Sixth Street, N. W., Washington, D. C. 20001.

6. That White House Sightseeing Corporation is hereby directed to produce at the hearing its books, records, tickets, receipts and other financial data showing passenger revenue and rates charged for the period November 30, 1979, through May 30, 1980.

7. That White House Sightseeing Corporation is hereby directed to charge only those fares set forth in its current WMATC Tariff No. 2.

8. That White House Sightseeing Corporation and Baltimore-Solomon's Bus Lines, Inc., are hereby directed to file with the Commission six copies each of their most recent balance sheets and income statements, the originals to be produced at the above-scheduled public hearing, no later than Thursday, July 3, 1980, and serve copies thereof on each party of record as of July 2, 1980.

BY DIRECTION OF THE COMMISSION, COMMISSIONERS SCHIFTER AND SHANNON:

  
WILLIAM H. MCGILVERY  
Executive Director